

### **REMARKS**

Applicant has filed the Request for Continued Examination (RCE) in order to have the amendments previously submitted considered.

In the Advisory Action dated April 16, 2004, Applicant has made certain remarks regarding the present application. In this regard, Applicant would like to clarify any misunderstanding the Examiner may have with regard to the present invention. With regard to independent claim 1, this claim is directed to a kit for a customer for organizing a plurality of images obtained from a customer provided image retaining device. The kit includes three distinct items as follows:

1. an image retaining device;
2. a registration card; and
3. a computer software program.

Thus, the present invention, as set forth in independent claim 1, requires three separate and distinct items.

With respect to the first item, there is provided an image retaining device wherein the image retaining device has a unique ID which has been forwarded to a database of a network photo service provider where images are obtained later from the image retaining device. As set forth at page 18, lines 18-22, the image retaining device may be a film cartridge or may take a variety of other forms, computer discs, flash card, and any other media capable of providing images which are in digital format or can be converted into a digital format. In any event, as set forth by independent claim 1, these image retaining devices have a unique ID.

The registration card, according to the present invention of claim 1, is used for registering the unique ID of the image retaining device prior to receipt of the image retaining device by the photo service provider. Thus, when a photofinisher or service provider receives the image retaining device, it does not need to know initially who sent the images as the ID will provide the appropriate correlation with the customer to which the ID has been registered. However, it is the ID that is used for associating the images with a particular customer.

The last item provided in the kit is the computer software program that allows the customer to accomplish certain operations at the network photo service provider.

With regard to Applicant's arguments submitted December 8, 2003 at page 2, paragraph 4, this argument merely states that an image capture device such as a roll of film are registered. This does not imply that it is limited to a roll of film as previously discussed above, with various examples of other image retaining or capture devices that would fall within the scope of the present invention.

The Examiner states that Applicant does not provide an example or convincing argument why the film could not constitute a kit. Applicants do not understand this argument as the kit of the present invention includes three separate and distinct items, one of which is an image retaining device. Therefore, Applicant does not understand the argument why Applicants are required to argue or demonstrate why the film could not constitute a kit.

With regard to the application at page 6, lines 1-7, this merely states that the registration card can be used for identifying the purchasing customer. However, this is not to say that the registration card cannot provide other functions. As is clearly set forth at page 10, lines 15-19, there is illustrated that the film cartridge ID are registered on behalf of the customer. This is not registering of the customer, but registering the image retaining device. The purpose of identifying the customer is to set up a customer account. The purpose of registering the ID allows the photo service provider to receive the image retaining device without nothing more than being able to easily associate images obtained from the image retaining device with the customer as it has already been preregistered. Thus, the registering of the image retaining device is not the same as registering a customer to obtain an account. The abstract to which the Examiner referred to still requires registering of the unique ID of the image retaining device. Obviously image retaining devices must be associated with a customer, but it is the registration of the image retaining device that is important to the present invention.

The Examiner also refers to the last three lines of Applicant's previous remarks as stating that Watanabe does teach a registration card in the form of a disc having ID information set forth as described in paragraphs 63 and

64. Applicant respectfully submit that Watanabe does not teach or suggest the invention as set forth by Applicant. First, Applicant refers the Examiner to top of column 7 that states “when image registration is also ordered by the user upon requesting the simultaneous printing service, image data read from the film are registered with a database managed by a laboratory server 8, and a form describing the registered ID and password regarding the images is returned to the user together with the generated prints.” Thus can be seen that the registered ID simply refers to the location of the images that have been scanned and placed on the system. With regard to registering of albums, Applicant refers the Examiner to paragraph 23 wherein it is stated that “it is preferable for the above system to further comprise image group registering means for enabling a user to register an image group on the network. In other words, the ‘image group names having been pre-registered’ may be fixed to names determined by a service provider, such as ‘group A’, ‘Group B’ or ‘group C’, but it is more preferable for the system to have a function which allows a user to register on the network any image group name such as ‘company trip’ or ‘Christmas party’”. Applicant then refers the Examiner to paragraph 51 and Figure 3 where it discusses the providing of the various network albums which are simply created from existing albums. As further set forth in paragraph 60, there are user IDs and register IDs and only one user ID is assigned to each user. The user ID simply allows the user to get onto the system. As stated at the top of column 11 in paragraph 62 “the user first selects a network album item in order to register (define) a network album”. Paragraphs 63 and 64 describe a process by which a user can create a desired network album. This in no way relates to preregistering of IDs of image retaining devices as taught and claimed by Applicant.

For the foregoing reasons Applicant respectfully submit that the Watanabe reference does not teach or suggest the image retaining device, registration card or computer software program as taught and claimed by Applicant in independent claim 1.

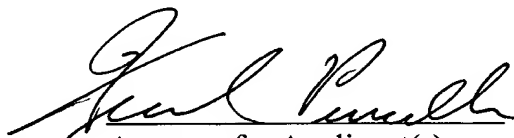
With regard to independent claim 14 which is also directed to a kit which includes a registration card for registering the ID of an image retaining device as in claim 1 and which is done prior to receipt of the image retaining device by the photo service provider. As discussed with Watanabe, this is contrary in that the IDs are provided only after images have been provided. In

addition, claim 14 includes a computer software program to allow the customer to copy certain operations at the network photo service provider. Here again, the Watanabe reference fails to teach or suggest the invention as taught and claimed.

The last independent claim 23 also includes the image retaining device which has a unique ID which is used by the network for the photo service provide to register certain goods and services to a customer to be associated with images obtained with the image storage device prior to receipt of the image retaining device by said photo service provider. Clearly, this is not taught or suggested by Watanabe. There is no teaching or suggestion of providing any goods or services with respect to registered unique ID associated with an image retaining device as taught and claimed by Applicant. Here again, the independent claim also includes a computer software program that when loaded onto a computer will allow the customer to accomplish certain operations at the photo service provider.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Frank Pincelli", written over a horizontal line.

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